

REMARKS

At the time of the Office Action dated August 22, 2007, claims 1-24 were pending in this application. Applicant acknowledges, with appreciation, the Examiner's indication that claims 8 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, claims 2, 8, 10, 16, 18-21, and 24 have been amended, claims 1, 6, 7, 9, 14, 15, 17, 22, and 23 canceled, without prejudice, reserving right to prosecution in a continuation application, and new claims 25-27 added. Care has been exercised to avoid the introduction of new matter. Claims 2, 10, and 18 have been amended for clarifying the claimed subject matter in accordance with claims 6, 14, and 22, respectively. Claims 8, 16, and 24 have been amended to be dependent on claims 2, 10, and 18, respectively. Claims 18-21 and 24 have been amended for better form.

Claims 17-24 have been rejected under 35 U.S.C. §101.

The Examiner pointed out that the claimed subject matter is directed to non-statutory subject matter. It is noted that the rejection of claims 17, 22, and 23 have been rendered moot by the cancellation of the claims.

Claims 18-21 and 24 have been amended to recite a computer readable storage medium. By the amendments to those claims, Applicant believes that the claimed subject matter is directed to statutory subject matter. Withdrawal of the rejection of the claims under 35 U.S.C. §101 is, therefore, respectfully solicited.

Claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21, and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yukitomo et al. in view of Jayaraman et al.

Applicant notes that this rejection has been rendered moot because the claims 1, 7, 9, 15, 17, and 23 have been canceled, and independent claims 2, 10, and 18 have been amended to include the limitations recited in claims 6, 14, and 22, respectively. Claims 5, 13, and 21 depend on claims 2, 10, and 18, respectively. Withdrawal of the rejection of the claims is, therefore, respectfully solicited.

Claims 6, 14, and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yukitomo et al. in view of Jayaraman et al., and further in view of Bottomley et al.

The limitations of claims 6, 14, and 22 have been incorporated into independent claims 2, 10, and 18, respectively. Accordingly, Applicant addresses herein claims 2, 5, 10, 13, 18, and 21.

In response to the June 4, 2007 reply regarding claims 6, 14, and 22, the Examiner asserted as follows (the first full paragraph on page 4 of the Office Action) (emphasis original):

Although the claims as recited do not specifically recite the second weighting coefficients and the third weighting coefficients are derived by updating the first weighting coefficients, the claimed do not recite that the second weighting coefficients and the third weighting coefficients **cannot** be derived in part by updating the first weighting coefficients. Although the claims do not recite the second weighting coefficients and the third weighting coefficients are derived by updating the first weighting coefficients, does not change the Bottomley et al. and Yukitomo et al. in combination disclose all the limitations of claims 6, 14, and 22 as shown below.

In response, independent claim 2 has been amended to recite, in addition to the limitations of claim 6, “the plurality of third weighting coefficients in the weighting coefficient

updating unit and the plurality of second weighting coefficients in the gap compensator are not derived by updating the plurality of first weighting coefficients” for clarification of the claimed subject matter. Based on this limitation, Applicant incorporate the arguments made in the first full paragraph on page 17 of the June 4, 2007 response, which is reproduced below:

According to Bottomley et al., updated weighting factors are produced using Least Mean Squares (LMS), starting with an initial set of weighting factors, i.e., by updating the initial set of weighting factors (column 14, lines 10-19). In contrast, claim 6 requires that the second weighting coefficients and the third weighting coefficients be derived without updating the first weighting coefficients. Thus, the second weighting coefficients and the third weighting coefficients as claimed are different from the updated weighting factors of Bottomley et al. Accordingly, claim 6 is neither disclosed nor suggested by Yukitomo et al. and Bottomley et al., either individually or in combination. The above discussion is applicable to claims 14 and 22.

Accordingly, Applicants submit that Yukitomo et al., Jayaraman et al., and Bottomley et al., either individually or in combination, do not disclose or suggest a receiver including all the limitations recited in independent claim 2. Claims 10 and 18 have also been amended in the same manner as claim 2, and thus, the above discussion is applicable to those claims. Dependent claims 5, 13, and 21 are also patentably distinguishable over Yukitomo et al., Jayaraman et al., and Bottomley et al. at least because these claims include all the limitations recited in independent claims 2, 10, and 18, respectively. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims and favorable consideration thereof.

Claims 3, 4, 11, 12, 19, and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yukitomo et al. in view of Jayaraman et al. , and further in view of Kimata et al.

Claims 3, 4, 11, 12, 19, and 20 depend on independent claims 2, 10, and 18, respectively. Applicant thus incorporates herein the arguments made in response to the rejection of

Application No.: 10/716,495

independent claims 2, 10, and 18 under 35 U.S.C. §103 predicated upon Yukimoto et al., Jayaraman et al., and Bottomley et al. The Examiner's additional comments and reference to Kimata et al. do not cure the deficiencies of the applied combination of Yukimoto et al., Jayaraman et al., and Bottomley et al. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims and favorable consideration thereof.

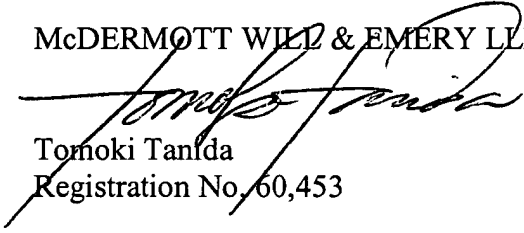
Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Tomoki Tanida
Registration No. 60,453

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT:lnm:mjb
Facsimile: 202.756.8087
Date: February 21, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**

WDC99 1525138-1.065933.0052